



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 29, 2016

BY ECF & HAND

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. John Ashe, et al.,
15 Cr. 706 (VSB)**

Dear Judge Broderick:

The Government respectfully writes to request a three-week adjournment of the February 22, 2016 deadline for the filing of the Government's anticipated motion pursuant to the Classified Information Procedures Act ("CIPA"). One of the reasons for the request is that, as the Government stated at the January 21, 2016 conference, the Government expects that any superseding indictment in this case will be sought in approximately 30 days within of the conference, which is at approximately the same time as the current CIPA deadline.¹ Although the Government has conducted its review in anticipation of its CIPA motion with the broadest possible view, including in contemplation of the potential additional charges, the Government believes that it would be prudent to file its motion after any superseding indictment. Specifically, the Government believes, that in light of the closeness in time of its CIPA deadline and any expected superseding indictment, it would preferable if the record reflected that the Government finalized its review after any superseding charging instrument had been filed in the case, given one of the applicable considerations is whether any reviewed material is "relevant and helpful" to the defense with respect to the pending charges. *See United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008).

The Government has consulted with defense counsel on its request. Counsel to Ng Lap Seng, Heidi Piao, and Shiwei Yan have no objection to our request, and remaining counsel take no position on the request.

¹ The Government is also submitting an *ex parte*, classified letter to the Court with an additional reason for the Government's request.

Honorable Vernon S. Broderick
United States District Judge
January 29, 2016
Page 2

In light of the foregoing, the Government respectfully requests a three-week adjournment of its CIPA deadline from February 22, 2016 to March 14, 2016. If this request is agreeable to the Court, we respectfully request that Your Honor so order this letter.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: s/ Rahul Mukhi
Rahul Mukhi/Daniel C. Richenthal
Assistant United States Attorneys
(212) 637-1581/2109

cc: Counsel of Record